

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALEX MERCHANT,

Plaintiff,

v.

C.O. COUGHLIN,

Defendant.  
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MARGO K. BRODIE, United States District Judge:

Plaintiff Alex Merchant proceeding *pro se* filed the above-captioned action on June 29, 2011 pursuant to 42 U.S.C. § 1983. After Plaintiff failed to appear for a mandatory in-court conference, Magistrate Judge Tomlinson issued an order for Plaintiff to show cause, in person, why his complaint should not be dismissed for failure to appear, participate in discovery or prosecute his claims. (Docket No. 33.) Plaintiff did not appear for the show cause hearing. On August 27, 2012, Magistrate Judge Tomlinson filed a Report & Recommendation ("R&R"), recommending that Plaintiff's Complaint be dismissed due to his repeated failure to comply with court orders as well as his failure to prosecute his claim. No objections were filed. This Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Magistrate Judge Tomlinson's R&R pursuant to 28 U.S.C. § 636(b)(1). Plaintiff's complaint is dismissed. The Clerk of Court is directed to close the case.

SO ORDERED:

S/Judge Brodie  
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MARGO K. BRODIE  
United States District Judge

Dated: September 28, 2012  
Brooklyn, New York

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ SEP 28 2012 ★  
BROOKLYN OFFICE